

City of San Antonio

Ethics Review Board

Annual Report – 2007

City Ordinance 88874 approved on November 19, 1998, created the Ethics Review Board, which met for the first time on April 30th, 1999. A City Charter election held in May 2004 and the adoption of a City Campaign Finance Regulation ordinance in August 2004 necessitated modifying the responsibilities and jurisdiction of the Ethics Review Board. A new ethics ordinance (City Ordinance 100283) was adopted by City Council on January 13th, 2005. The Charter amendment formally dissolved the board created by the 1998 ordinance and established an independent board that can deliver binding rulings and impose sanctions and fines. The members of this new board were appointed in April 2005.

In the year 2007, the Board met as a body twice. In addition, subcommittees/panels met several times. There were three Complaints, resulting in one formal hearing and three Determinations/Opinions (see Attachment A), rendered by the Board. The City Attorney's office rendered nine Advisory Opinions (see Attachment B). (The complete text of each Determination and/or Opinion can be obtained from the Office of the City Clerk; the extracts provided in the attachments to this document are for information purposes only). During 2007, there were a total of twenty-three registered lobbyists. A list – current as of December 13th 2007 – has been provided by the City Clerk (see Attachment D).

As an element of our annual report, the Ethics Review Board is charged to submit recommended changes to the Ethics Code and Campaign Finance Regulation. With one exception, the new ordinance adopted in January 2005 and modified by Council on March 2nd 2006, incorporated all of the changes/modifications to the Code recommended by the Ethics Review Board in its past Annual Reports (see Attachment C). In 2007, Council modified the Campaign Finance Regulation by removing the \$1200 ceiling on the maximum registration fee for registrants; this change was proposed by the Office of the City Clerk, and the ERB took no position on the change.

Ethics/Campaign Finance Training in 2007: In March of 2006, the San Antonio City Manager adopted a program of mandatory annual ethics training for all City employees. Approximately 7000 City employees had received this training by the end of 2007. Comprehensive training on the Texas Election Code, Municipal Campaign Finance Code and the city's electronic campaign finance filing system was presented by the Texas Ethics Commission, City Attorney's Office, Office of the City Clerk and ITSD in January; and two additional Municipal Campaign Finance Workshops were held in February. Ethics training was conducted at two Municipal Leadership Institute sessions. The City Attorney's Office also made twice-monthly ethics presentations at the mandatory new employee orientation. Additionally, other workshops and presentations on ethics were conducted by the City Attorney's Office in 2007 (see Attachment E).

The members of the Board believe that the Code and the ethics review process will continue to create affirmative change in city governance and in our citizens' perception of the same. The Board also feels that the mandatory annual ethics training for City employees conducted by the City Attorney's office has been very beneficial in reducing ethics violations. The Board notes with sadness the passing of Charles Codd, who had served on the Board since 2003. Charles was an active participant and brought maturity and wisdom to our proceedings. He will be missed.

The Ethics Review Board Members – 2006

The following persons were confirmed by the City Council to serve on the Ethics Review Board for the terms indicated.

<u>NAME</u>	<u>APPOINTED BY</u>	<u>DATE APPOINTED</u>	<u>DATE TERM EXPIRES</u>
Tomas A. Larralde	Mayor	May 5, 2005	Apr. 25, 2008
Charles F. Codd***	District 1	Apr. 14, 2005	Apr. 25, 2007
Dolores Lott	District 2	Apr. 14, 2005	Apr. 25, 2009
Michael S. Ariens	District 3	Jun. 16, 2005	Apr. 25, 2008
August Stephen Johnson	District 4	Apr. 14, 2005	Apr. 25, 2008
Emilio Silvas****	District 5	Apr. 14, 2005	Apr. 25, 2007
Richard Bird	District 6	Apr. 14, 2005	Apr. 25, 2009
Elizabeth Benavides Melson	District 7	Apr. 14, 2005	Apr. 25, 2008
Benjamin F. Youngblood III**	District 8	Apr. 14, 2005	Apr. 25, 2007
Arthur J. Downey*	District 9	Apr. 14, 2005	Apr. 25, 2009
Jason Zehner	District 10	Apr. 14, 2005	Apr. 25, 2009

* Chair

** Vice-Chair

***Deceased May 27th 2007; position currently vacant

****On November 1st 2007, Rosa Maria Rodriguez was appointed to replace Silvas

Attachment A

Ethics Determinations – 2007

Number	Date	Questions
07-01	June 18, 2007	<i>On the 18th day of June, 2007, a panel of the whole of the Ethics Review Board of the City of San Antonio convened to consider the complaint against Elana Guajardo filed on May 15, 2007 by Julie Oldham. The complaint alleged violation of the City's Ethics Code. After review of the complaint, the Ethics Review Board found no violation of the City's Ethics Code, Municipal Campaign Finance Regulations, Section 141 of the City Charter, or Section 171 of the Texas Local Government Code could be ascertained from the information provided. Accordingly, the complaint was DISMISSED.</i>
07-02	June 18, 2007	<i>On the 18th day of June, 2007, a panel of the whole of the Ethics Review Board of the City of San Antonio convened to consider the complaint against Mary Alice Cisneros, Patti Radle and Betty Eckert filed on May 15, 2007 by Julie Oldham. The complaint alleged violation of the City's Ethics Code. After review of the complaint, the Ethics Review Board found no violation of the City's Ethics Code, Municipal Campaign Finance Regulations, Section 141 of the City Charter, or Section 171 of the Texas Local Government Code could be ascertained from the information provided. Accordingly, the complaint was DISMISSED.</i>
07-03	June 25, 2007	<i>On April 5, 2007, Ms. Maria T. Gomez filed a complaint against former City Councilman Roger O. Flores alleging violations of the City of San Antonio Ethics Code. On the 25th day of June, 2007, the Ethics Review Board of the City of San Antonio convened in full for a formal hearing to consider the complaint. The Complaint alleged a violation of Sec. 2-43 of the Ethics Code, which prohibits conflicts of interest, and of Sec. 2-44 of the Ethics Code, which prohibits unfair advancement of private interests. After considering the Complaint, the Response filed by the Respondent, the Complainant's Reply to the Response, the sworn statements to the Board by both the Complainant and the Respondent, and other evidence introduced at the hearing, the Board found that: The action taken by the Respondent was not likely to affect an economic interest of the Respondent in a way that was distinguishable from the economic interests of others in the Five Points Neighborhood; and There was no evidence offered of an unfair advancement of private interests or of any other violation of the Ethics Code. The Board found that the Complaint should be DISMISSED.</i>

Attachment B

Ethics Advisory Opinions – 2007 (City Attorney's Office)		
Number	Date	Questions
112	January 4, 2007	<i>May a city employee accept a hunting trip from a city vendor where the employee has no involvement in the selection of vendors?</i>
113	January 15, 2007	<i>May a city employee accept outside employment with an organization that is funded by the city to provide educational services to the community?</i>
114	March 7, 2007	<i>May a city employee accept the payment of travel costs and an honorarium for predicating in a panel at a conference held by a governmental organization?</i>
115	March 13, 2007	<i>May a potential city vendor provide a sample of its product to a city employee so that the employee can evaluate the product for potential purchase by the city?</i>
116	March 13, 2007	<i>May library employees accept small gifts of jewelry from a patron who wishes to express appreciation for courteous service by staff?</i>
117	March 16, 2007	<i>May a city employee accept contract with the city to provide consultation services?</i>
118	May 3, 2007	<i>May a city employee subcontract with his sibling's business in connection with a contract the sibling has with the city?</i>
119	June 7, 2007	<i>May a city employee seek a contract with the city to provide furniture refinishing services?</i>
120	June 18, 2007	<i>May a city official accept a position on the board of trustees of a local university?</i>
121	May 3, 2007	<i>May city staff members accept coverage of expenses paid by a city vendor to attend a trade show featuring products of interest and under consideration for purchase by the department?</i>
122	August 31, 2007	<i>May an employee accept contract employment with the city after retiring from city service?</i>
123	October 22, 2007	<i>May a city employee who is a "specified employee" under Section 2-78 of the Ethics Code contract with the city to provide catering services?</i>

Attachment C

Proposed Amendments to the Ethics Code – 2007

As an element of our annual report, the Ethics Review Board is charged to submit recommended changes to the Ethics Code and Campaign Finance Regulation. With one exception, the new ordinance adopted in January 2005 and modified by Council on March 2nd 2006, incorporated all of the changes/modifications to the Code recommended by the Ethics Review Board in its 2006 Annual Report. No additional changes or modifications are proposed although the Board still believes that the single recommendation that was not accepted deserves reconsideration by the Council.

CODE OF ETHICS

SECTION 2-45 GIFTS

- (b) **Special Applications.** Subsection (a)(2) does not include:
- (12) lodging, transportation, or entertainment that the official or employee accepts as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law, up to \$500 from a single source in a calendar year. **{ERB recommends elimination of the Section 2-45(b)(12) exception. The Mayor's Commission on Integrity and Trust in City Government recommended a \$0 – 10 gift limit}**

Attachment D

**Registered Lobbyists as of December 13, 2007
City of San Antonio**

ALLEN BOONE HUMPHRIES ROBINSON, LLP.

3200 SOUTHWEST FREEWAY, SUITE 2600
HOUSTON TX 77207-
Telephone: (713) 860-6408
Nature of Business: Law Firm
Registered: 2/14/2005

ARLANDIS RUSH

11150 SANTA MONICA BLVD., SUITE 1500
LOS ANGELES CA 90025-
Telephone: (310) 444-4356
Nature of Business: LAW OFFICE
Registered: 11/8/2007

BALTAZAR R. SERNA, JR.

120 VILLITA
SAN ANTONIO TX 78205-
Telephone: (210) 225-6700
Nature of Business: Attorney at Law
Registered: 1/10/1999

BOBBY PEREZ

600 NAVARRO SUITE 500
SAN ANTONIO TX 78205-
Telephone: (210) 581-5580
Nature of Business: ATTORNEYS AT LAW
Registered: 6/1/2005

BROWN, P.C.

112 E. PECAN, SUITE 1490
SAN ANTONIO TX 78205-
Telephone: (210) 299-3704
Nature of Business: LAW FIRM
Registered: 11/18/2004

CALVERT INTERNATIONAL CONSULTING

818 WINDHURST
SAN ANTONIO TX 78258-
Telephone: (210) 481-0198
Nature of Business: ZONING REQUEST
Registered: 1/3/2007

CASTRO & KILLEN, P.C.

115 E TRAVIS ST SUITE 314
SAN ANTONIO TX 78205-
Telephone: (210) 220-1008
Nature of Business: ATTORNEY AT LAW
Registered: 8/23/2005

CHARLES P. EDENS

8634 CROWNHILL #2
SAN ANTONIO TX 78209-
Telephone: (210) 590-0161
Nature of Business: CONSULTANT
Registered: 9/19/2006

Attachment D (Cont.)

DRENNER & GOLDEN STUART WOLFF, LLP

301 CONGRESS AVENUE
AUSTIN TX 78701-
Telephone: (512) 404-2233
Nature of Business: REAL ESTATE DEVELOPMENT
Registered: 1/19/2006

EARL & ASSOCIATES, P.C.

111 SOLEDAD, # 1111
SAN ANTONIO TX 78205-
Telephone: (210) 222-1500
Nature of Business: ATTORNEY AT LAW
Registered: 1/17/1999

FRANCIS LAW FIRM

112 E. PECAN ST., #525
SAN ANTONIO TX 78205-
Telephone: (210) 222-1100
Nature of Business: LAW FIRM
Registered: 3/26/1999

FULBRIGHT & JAWORSKI, L.L.P.

300 CONVENT, STE. #2200
SAN ANTONIO TX 78205-
Telephone: (210) 270-7142
Nature of Business: ATTORNEY
Registered: 2/16/1999

GERARDO MENCHACA

19230 STONE OAK PKWY, SUITE 301
SAN ANTONIO TX 78258-
Telephone: (210) 535-0151
Nature of Business:
Registered: 6/29/2007

JEFF S. WEBSTER

223 W. RHAPSODY
SAN ANTONIO TX 78216-
Telephone: (210) 341-9800
Nature of Business: INDIVIDUAL
Registered: 5/23/2007

JOHN T. MONTFORD

175 E. HOUSTON
SAN ANTONIO TX 78205-
Telephone: (210) 351-2020
Nature of Business: ATTORNEY AT LAW
Registered: 4/11/2007

KAUFMAN & ASSOCIATES, INC.

100 W. HOUSTON, SUITE 1250
SAN ANTONIO TX 78205-
Telephone: (210) 227-2000
Nature of Business: LAW FIRM
Registered: 2/11/1999

M. EDWARD LOPEZ

PO BOX 691262
SAN ANTONIO TX 78269-
Telephone: (210) 697-8658
Nature of Business: LEGISLATIVE/REGULATORY CONSULTING
Registered: 11/19/2007

Attachment D (Cont.)

MARTIN & DROUGHT, P.C.

300 CONVENT ST., #2500
SAN ANTONIO TX 78205-
Telephone: (210) 220-1339
Nature of Business: LEGAL SERVICES
Registered: 1/6/2003

PAPE-DAWSON ENGINEERS, INC.

555 EAST RAMSEY
SAN ANTONIO TX 78216-
Telephone: (210) 375-9000
Nature of Business: Civil Engineering
Registered: 4/5/200

PULMAN, BRESNAHAN, PULLEN & CAPPUCCIO, LLP

2161 NW MILITARY HIGHWAY, SUITE 400
SAN ANTONIO TX 78213-
Telephone: (210) 222-9494
Nature of Business: ATTORNEYS & COUNSELORS
Registered: 1/31/2007

THE JONES LAW FIRM

PO BOX 6068
SAN ANTONIO TX 78209-
Telephone: (210) 822-7759
Nature of Business: ATTORNEYS
Registered: 5/23/2007

AT&T - EXTERNAL AFFAIRS

175 EAST HOUSTON ST. ROOM 10-Q-03
SAN ANTONIO TX 78205-
Telephone: (210) 351-3777
Nature of Business: TELECOMMUNICATIONS
Registered: 2/15/2006

ZACHRY INC.

P. O. BOX 240130
SAN ANTONIO TX 78224-0130
Telephone: (210) 258-2662
Nature of Business: CONSTRUCTION SERVICES AND PROJECT DEVELOPMENT
Registered: 4/30/1999

Attachment E

2007 Ethics & Campaign Finance Training

January – March 2007 Trainings:

Lobbyist Workshop - Training for city lobbyists and those doing business with the city on lobbyist registration and reporting requirements; Ethics Code, particularly on conflicts of interest and gift rules.

City Council Candidate Workshop – Training for council candidates on state election code, city ethics code, campaign finance law and city's electronic campaign finance filing system.

Candidate and Officeholder training on city's electronic filing system. Held in January once and in March twice, one week before filing deadline and day of filing deadline, at the ITSD training room, in order to provide hands-on filing assistance.

SADA board training on ethics code, parliamentary procedure.

Open Records Liaisons Workshop – Ethics Code, Open Records

Ethics training for private sector engineers and contractors interacting with the City on behalf of clients offered through the Development Services Department; satisfied one-hour annual ethics training requirement for professional engineers.

Office of the City Attorney Accredited Continuing Legal Education Course (CLE) – Attorney-Client Relationships and the Municipal Lawyer

April – June 2007 Trainings:

Developed Ethics Video and Ethics Handbook for City Employees for city-wide ethics training

New Council Members Ethics Orientation – Ethics, Open Records, Open Meetings

Municipal Leadership Institute Training on Ethics Code, Open Meetings, Parliamentary Procedure for new city boards and commissions members

Ethics training for Professional Engineers contracting with the City. Held at Professional Engineers Conference (PEG), satisfies one-hour annual ethics training requirement for professional engineers.

July – September 2007 Trainings:

Council Aides Workshop – Ethics Code, Open Meetings, Open Records (12)

Boards and Commissions Liaisons Workshop – Ethics Code, Open Meetings, Open Records (35)

Open Records Liaisons Workshop – Ethics Code, Open Records (67)

Ethics Code training for private sector engineers who interact with the city, offered in conjunction with Developments Services. Satisfies 1-hour mandatory ethics training for professional engineers.

Ethics Code Overview for newly formed River Commission

Attachment E (Cont.)

CAO CLE – City Ethics Code – 1 hour intensive session on the application of the city's ethics codes to the Legal Department's clients.

October – December 2007 Trainings:

Municipal Leadership Institute – 4 hour Saturday morning training provided to city's new boards and commission members on city budget process, Ethics Code, Open Meetings Act, and Parliamentary Procedure. (approx. 75)